$9,200, payable in one year, with 100% interest (App. 32-33, 495). While Conell was not specifically shown actively to have participated in this particular transaction, the evidence showed him to be a principal actor in promoting the work of the company, of which this transaction was an integral part. He associated himself with Diversified at approximately the time it was incorporated and became its Treasurer and Executive Secretary, occupying a separate office at the company headquarters in St. Louis. His primary function was to raise funds for the company. He selected and supervised representatives in various states to solicit funds, dealing extensively with ministers and members of the Pentecostal Church, of which he was a member. At a church convention in 1966, Conell told one minister that he knew 85% to 90% of what the company was doing. He claimed to have raised through his individual efforts $150,000 to $200,000 for the company. Although his emoluments from the company were not on a level with those of the other two petitioners, he personally received from the company approximately $80,000 in bonuses, automobiles, overriding commissions, and an unsecured loan to purchase a $40,000 home (Con. Pet. App. 13-15). This evidence adequately showed that he was fully aware of the fraudulent aspects of the venture, and actively furthered them. *Nye & Nissen* v. *United States*, 336 U.S. 613, 619; *Pereira* v. *United States*, 347 U.S. 1, 8-10. It is of no significance that Conell was acquitted on the other counts, since consistency in the verdict is not necessary. *Dunn* v. *United States*, 284 U.S. 390, 393.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the petition for a writ of certiorari should be denied.

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